IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.789 OF 1997

Shri.Sangaram Anant Dinde. ... Plaintiff.

vs.

Shri.Anant Balaji Dinde & others. .... Defendants.

Mr.Pankaj J. Das, for Plaintiff.

Mr. Chandra Naik, for Defendant nos.1 & 4.

Mr.D.A.Purekar, for Defendant no.7.

Mr.Umesh J. Desai, for Defendant nos.5,6,8 & 9.

CORAM: A.S. AGUIAR, J.

DATED: 13th September,2005

P.C.:-

1. The learned Advocates for parties state that the parties have settled the dispute and have file the consent terms duly signed by the plaintiff and defendant nos. 4 to 9 and their respective Advocates. The consent terms are taken on record and marked at "X" for identification.

2. It is pointed out that defendant nos.1 and 2 have expired

on 16.1.2005 and 26.1.2005 respectively. The plaintiff has taken out a Chamber summons no.528 of 2005 for bringing the heirs and LRs of the deceased defendant nos. 1 and 2 on record. By consent, the chamber summons is made absolute. The amendment to be carried out forthwith. The defendant nos.4 to 9 are the heirs of the deceased defendant nos.1 and 2. The suit against defendant nos.3, 7 and 9 has already been dismissed by order dated 29.9.2004. By consent, the order of dismissal against defendant nos.7 & 9 is set aside and suit is restored to file in respect of defendant nos.7 & 9.

3. Decree in terms of the consent terms. The undertakings mentioned in the consent terms are accepted. The suit stands disposed of. All the interlocutory applications if any including NM no.1545 of 2005 stand disposed of and all ad-interim/interim orders if any stand vacated.

No order as to costs. Refund of court fees as per rules. C.C. be expedited.